

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	No. 3:07-CR-331-G
	§	ECF
HECTOR CHAVARRIA (01)	§	
a.k.a. "8"	§	
a.k.a. "Ocho"	§	

FACTUAL RESUME

SUPERSEDING

INDICTMENT:

Count 1 - 21 U.S.C. § 846, conspiracy to distribute and possess with intent to distribute five kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

PENALTY:

A term of imprisonment of not less than ten (10) years and not more than Life and/or a fine not to exceed \$4,000,000 or twice the pecuniary gain to the defendant or loss to the victim(s). A mandatory special assessment of \$100.

A term of supervised release of not less than five (5) years. If the defendant violates any condition of supervised release, the defendant could be imprisoned for the entire term of supervised release.

Upon conviction of an offense involving distribution of a controlled substance, the defendant is, in the discretion of the Court, subject to denial of any or all "federal benefits" as defined in 21 U.S.C. § 862(d), for a period of up to five years. Further, pursuant to 18 U.S.C. § 3663(c)(1) the Court may order "community restitution."

The Court may order the defendant to pay costs of incarceration and supervision.

ELEMENTS OF

THE OFFENSE:

In order to establish the crime of conspiracy to distribute and possess with intent to distribute five kilograms or more of a mixture or substance containing a detectable amount of cocaine, in violation of 21 U.S.C. § 846, as set out in the superseding indictment, the Government must prove the following elements beyond a reasonable doubt:

First: That the defendant and another person reached an agreement to distribute and possess with intent to distribute cocaine;

Second: That the defendant knew of the unlawful purpose of the agreement;

Third: That the defendant joined in the agreement willfully, that is, with the intent to further its unlawful purpose; and

Fourth: That the overall scope of the conspiracy involved five kilograms or more of a mixture or substance containing a detectable amount of cocaine.

STIPULATED FACTS:

On or about May 1, 2006, continuing through November 15, 2007, in the Dallas Division of the Northern District of Texas, Hector Chavarria, a.k.a. "8" a.k.a. "Ocho," was involved in a conspiracy to distribute more than five kilograms of cocaine.

Chavarria, along with Jose Hernandez-Contreras, Juan Garza Martinez, Raul Gerardo

Zertuche III, Daniel Tristan-Chapa, Juan Martin Lopez, Jose Antonio Lopez-Aguirre,

Tony Tito Torres, Javier Lopez, Gabriel Torres-Sanchez, Hector Mendoza Hernandez,

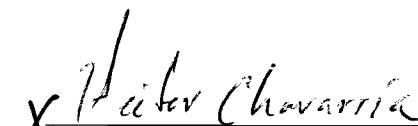
Gerardo Antonio Gomez, Manuel Silva, Tiburcio Leija and others, was involved in the

conspiracy to distribute cocaine in Dallas, Texas, and elsewhere.

During the course of the investigation into the drug conspiracy, agents with the Drug Enforcement Administration (DEA) intercepted numerous telephone conversations involving various members of the organization, including Chavarria, discussing the distribution of cocaine and the collection of money from the sale of cocaine.

Chavarria admits to participating in the distribution of at least 5 kilograms but less than 15 kilograms of cocaine during the time frame of the conspiracy in the indictment.

SIGNED on this 30th day of July, 2008.



HECTOR CHAVARRIA
Defendant



KEITH ROBINSON
Assistant United States Attorney
Texas State Bar No. 00788298
1100 Commerce Street, Third Floor
Dallas, Texas 75242-1699
Tel: 214.659.8600
Fax: 214.659.8803
E-mail: keith.robinson2@usdoj.gov



DOUGLAS D. MULDER
Attorney for Defendant
Texas State Bar No. 146340000



JERRI L. SIMS
Deputy Criminal Chief
Texas State Bar No. 18425300